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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|------------------------------|------------------|
| 09/993,345 | 11/14/2001 | Kazuhito Miyaki | 100809-00089 (SCEY 19.175 | 5804 |
| 26304 | 7590 | 04/22/2004 | EXAMINER | |
| KATTEN MUCHIN ZAVIS ROSENMAN 575 MADISON AVENUE NEW YORK, NY 10022-2585 | | | NGUYEN, KIM T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3713 | |
| DATE MAILED: 04/22/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/993,345

Applicant(s)

MIYAKI ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-10 and 14-16 is/are allowed.
- 6) ☒ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The amendment filed on January 27, 2004 (paper No. 7) has been received and considered.

By this amendment, claims 1-16 are now pending in the application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Best (US Patent No. 4,305,131).

As per claim 11-13, Best discloses a story branching control method comprising the steps of providing a branching point in a flow of the story (col. 9, lines 58-60; and col. 22, lines 1-4); and determining a branch destination in accordance with a predetermined variant value (the time) (col. 8, lines 40-46 and 13-15; and col. 22, lines 37-45). Best does not explicitly disclose using the method for a video game and generating a notification signal to notify a branch point has been passed. However, Best discloses that the movie could be competitive games (col. 10, lines 28-31). Further, implementing a competitive game into a video game and notifying the branching point has been passed in a search procedure would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to implement the games of Best to a

video game machine and notify a branching point has been passed in order to allow the player to play the competitive game on a computer and inform the search procedure to the player.

Allowable Subject Matter

3. Claims 1-10 and 14-16 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record do not disclose a story control method for a video game whose content of a story is branched in accordance with a player's instruction, the method comprises providing a branching point selectable by a user for determining a flow of the story; receiving a search instructing input for searching for the branching point; searching the branching point for a predetermined period of time after receiving the search instructing input; determining whether the branching point exists during the predetermined period of time after receiving the search instructing input; and determining a branch destination of the story in accordance with a success or failure of determining whether the branching point exists during the predetermined period of time.

Cited Reference

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sugiyama et al (US 6,560,763) discloses generating a pass notification signal notifying the branching point has been passed (abstract; col. 1, lines 64-67; and col. 2, lines 1-3).

Response to Arguments

6. Applicant's arguments filed January 27, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument in pages 9-10, on claims 11-12, Best does disclose a branching point selected by a player (col. 5, lines 29-30 and col. 9, lines 58-60). Further, claim 11 does not explicitly claim that *the player selects a branching point*. Moreover, Best does disclose determining a branching destination in accordance with a predetermined variant value (the time variant) (col. 8, lines 40-46 and 13-15; and col. 22, lines 37-45). Further, generating a signal to indicate that a branch point has been passed would have been well known in a search procedure. Support for the well known feature would be found in the teaching of Sugiyama et al (US Patent No. 6,560,763) in col. 1, lines 64-67; and col. 2, lines 1-3, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to generate a notification signal when a branch point has been passed as taught by Sugiyama to the branching control method Best in order to notify a search process being conducted to the player. Further, claim 12 does not explicitly claim generating a notification signal when a branch point has been passed *as unselected by the player*.

Art Unit: 3713

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

Art Unit: 3713

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Teresa Walberg, can be reached on (703) 308-1327. The central official fax number is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.



Kim Nguyen
Primary Examiner
Art Unit 3713

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Date: March 12, 2004